

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

UNITED STATES OF AMERICA,)
)
)
Plaintiff,)
)
-vs-) Case No. CR-23-340-PRW
)
ANDREW LINTON SAWYERS,)
)
Defendant.)

DEFENDANT'S SENTENCING MEMORANDUM

ANDREW LINTON SAWYERS, through counsel Troy Cowin, submits this sentencing memorandum to supplement information in the Presentence Investigation Report (PSR), in support of a variance below the guideline range as sufficient, but not greater than necessary, to comply with the statutory directives set forth in 18 U.S.C. § 3553(a).

1) *Nature and Circumstances of the Offense*

Mr. Sawyers was arrested on October 30, 2022, by officers of the Norman Police Department for conduct related to Cleveland County case CF-2022-1352 charging possession of a firearm after former felony conviction. This is the conduct for the instant offense. Mr. Sawyers posted bond the same day and left the Cleveland County jail. He was arrested on July 9, 2023, for a misdemeanor driving a motor vehicle while under the influence of alcohol in Cleveland County case CM-2023-1328. Again, bond was posted the same day and left the Cleveland County jail. On July 24, 2023, Mr. Sawyers was arrested for plan/conspire/endeavor to perform act of violence in Cleveland County case

CF-2023-1150. Mr. Sawyers did not bond out on this charge and has been incarcerated since this date. Mr. Sawyers remains in the Cleveland County Jail with primary state custody (PSR ¶ 8). All three of the listed cases are pending and currently set for preliminary hearing conference on June 4, 2024, in Cleveland County.

On July 25, 2023, a criminal complaint was filed alleging felon in possession of a firearm (Doc. 1). On August 16, 2023, a one-count indictment was filed in the United States District Court for the Western District of Oklahoma solely charging Mr. Sawyers with felon in possession of firearm (Doc. 3). Mr. Sawyers was brought to federal court on a Writ of Habeas Corpus ad Prosequendum issued on August 17, 2023 (Doc. 5-7). Mr. Sawyers was set for an arraignment on August 31, 2023, where the Federal Public Defender's Office was appointed, and Mr. Sawyers waived his detention hearing (PSR ¶ 13). Mr. Sawyers accepted responsibility and pled guilty to count one of the indictment on October 23, 2023, in front of the Honorable Patrick R Wyrick (Doc. 25).

2) History and Characteristics of Mr. Sawyers

Andrew Linton Sawyers was born on January 24, 1964. Lindell Linton Sawyers and Ruth Elizabeth Lowry Sawyers were his parents. His father Lindell Sawyers was a Presbyterian minister, and his mother was a substitute teacher and homemaker (PSR ¶ 58). Mr. Andrew Sawyers also had an older sister, Shay Smith, with whom he was close. The family lived in Pennsylvania when Mr. Sawyers was born and eventually landed in New Jersey by the time Mr. Sawyers graduated from high school. Mr. Sawyers stated he had a good childhood and enjoyed a close relationship with his parents and sister. Mr. Sawyer

lost his hair at the youthful age of fifteen. He was bullied at school for his premature hair loss (PSR ¶ 58).

Mr. Sawyers graduated from West Windsor-Plainsboro High School in 1982. After high school he enlisted in the Army Reserves in 1983. During this brief period of being in the Army Reserves, Mr. Sawyers was trying to cope with his mother's ovarian cancer. This was a trying time for Mr. Sawyers as he was close with his mother. Mrs. Ruth Sawyers passed away from the cancer in 1987. Mr. Sawyers drank in high school at age seventeen and when his mother passed, he drank more.

Mr. Sawyers was a full-blown alcoholic at age twenty-eight and would continue this path until the present. Mr. Sawyer has never had treatment for his alcoholism. Mr. Sawyer has realized what alcohol has done for him and his relationships with others. At this point in his life, Mr. Sawyers has lost all his immediate family members. His mother passed in 1987 from ovarian cancer, his sister died from bone cancer at age forty-two in 2005, and his father lost his battle with pancreatic cancer in 2009 (PSR ¶ 57). Unfortunately, Mr. Sawyers has been waiting around the last fifteen years to be diagnosed with some type of terminal cancer. This has driven his alcoholism. It has also affected his relationships. There was no one for the PSR writer to call and verify any of Mr. Sawyer's history. His immediate family is deceased, he has had no contact with extended family since the 1980's, and Mr. Sawyers has no friends in his life that could verify the information in the PSR (PSR ¶ 56). This is due to his alcoholism.

Mr. Sawyers mental health has been on the decline for years. Mr. Sawyers has an alcohol disorder, general stress, sleeping disorder, anxiety, depression, and grief. He is

taking an antidepressant (Zoloft) to combat his depression. Mr. Sawyers self-prescribed alcohol for years to deal with his depression. Mr. Sawyers was recently seeing a counselor at Central Oklahoma Community Mental Health Center. He has participated in AA meetings but has never done substance abuse treatment. Mr. Sawyers is a prime candidate for one of the Bureau of Prisons programs for drug and alcohol treatment.

Despite being an alcoholic, Mr. Sawyers has obtained a trade and stayed consistent with employment. He graduated from a four-year apprenticeship and is now a licensed electrician (PSR ¶ 69). For the last decade he has been employed as an electrician and earned between \$14-\$31 per hour. When Mr. Sawyers discharges from BOP he will still have this trade and will be employable.

CONCLUSION

Mr. Sawyers is facing a significant term of imprisonment, even with a sentence below the advisory guideline range. A sentence below the advisory guidelines range will achieve the goals of sentencing as expressed in 18 U.S.C. § 3553(a). Mr. Sawyers understands the seriousness of the offense. Mr. Sawyers has been incarcerated for almost a year in the Cleveland County jail. This has been a deterrent for Mr. Sawyers. Mr. Sawyers is dealing with alcoholism and mental health issues. Along with his age, these are substantial reasons a downward variance could be granted.

The Bureau of Prisons can provide him with treatment for alcohol abuse. Mr. Sawyers can also receive treatment for his mental health issues. These issues are related to his alcoholism.

Mr. Sawyers knows this behavior was a mistake. Mr. Sawyers respectfully asks the Court to consider a sentence below the advisory guidelines. This will still punish him sufficiently and achieve the goals of sentencing.

Respectfully submitted,

s/ Troy Cowin
TROY COWIN, OBA No. 22534
ASSISTANT FEDERAL PUBLIC DEFENDER
OFFICE OF THE FEDERAL PUBLIC DEFENDER
WESTERN DISTRICT OF OKLAHOMA
215 Dean A. McGee, Suite 109
Oklahoma City, OK 73102
(405) 609-5946
troy_cowin@fd.org
Counsel for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on May 24, 2024, I electronically transmitted the attached document to the Clerk of Court using the ECF System for filing and transmittal of a Notice of Electronic filing to Mary Walters, Assistant United States Attorney.

s/ Troy Cowin
TROY COWIN